

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

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3 years of Crime Statistics: What to count?

- ✓ Was it **reported** to the local police, **or** to a campus security authority?
- ✓ Was it one of the crimes **listed** in the Clery Act?
- ✓ Did it occur on campus, or on “noncampus” or “public” property as now defined by the Act?

When is a crime “reported”? (for purposes of the Annual Report)

★ When a victim or witness brings it to the attention of the local police or a campus security authority.

➡ **Examples: officials responsible for student housing, discipline, & judicial proceedings**

★ Note: Pastoral & Professional Counselors are exempt from any mandatory reporting requirement.

◆ Record crimes under the calendar year when they were **reported** (per UCR).

'Campus Security Authorities'

- ★ Per the preamble to the Final Rule of Nov. 1, 1999:
 - a dean of students who oversees student housing, a student center, or student extra-curricular activities
 - a director of athletics, team coach, or a faculty advisor to a student group

'Campus Security Authorities'

★ **PROBABLY NOT:**

- a single teaching faculty member (other than an advisor to a student group), or
- a physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students,
- or campus clerical staff

The “New Geography” of Crime

Crime Statistics must be reported by location:

- 1 On Campus
 - owned, contiguous, educational or student-used
- 2 In Dormitories or other student residences
 - within the “on campus” area
- 3 Noncampus buildings or property
 - Frats, non-contiguous owned and student-used
- 4 Public Property
 - streets, sidewalks, lots - adjacent to “campus”

On Campus

- ★any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

On Campus, cont'd

- ★property within the same reasonably contiguous geographic area of the institution that is owned by the institution but
 - is controlled by another person
 - is **frequently** used by students,
 - and supports institutional purposes
 - (such as a food or other retail vendor)

Student Residences

- ★ a **subset** of 'on campus' crimes, which includes only those crimes that were reported to have occurred in dormitories or other residential facilities
 - **for students**
 - **on campus**



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noncampus buildings or property

- ★any building or property owned or controlled by a student organization ***officially*** recognized by the institution; and



noncampus buildings or property

- ★any building or property (other than a branch campus) owned or controlled by an institution of higher education that
 - is used in direct support of, or in relation to, the institution's educational purposes,
 - is **frequently** used by students, and
 - is not within the same reasonably contiguous geographic area of the institution

Public Property

- ☞ “all public property, including thoroughfares, streets, sidewalks, and parking facilities, and is **within the campus, or immediately adjacent to and accessible from the campus**”
- ☞ “These regulations do not require ... crime statistics for public property surrounding noncampus buildings or property.”

Public Property

- ? So.... Where does one draw the line? A sidewalk or a public parking lot across the street from campus property **would** be included in this new reporting area, while a limited-access Interstate highway which directly borders the campus but is separated by a right-of-way fence would **not** be.
- ➡ Use of a **map** to define the area is optional.

Annual Report Crime Categories

- ★ Criminal Homicide, Sex Offenses (**forcible + nonforcible**), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, & Arson.... plus arrests or disciplinary referrals for liquor, drug & weapon offenses.
- ✓ Note any of the above, or other crimes of bodily injury, classified as Hate Crimes.... and report them **by category of prejudice**.
- ✓ List ZEROS in any applicable categories.

Alcohol, Drug & Weapons Offenses

★ The New Requirement:

- include 3 years' stats for arrests and persons *not arrested*, but referred for campus disciplinary action for:
- liquor **law violations**
- drug **law violations**
- **illegal** weapons possession

★ Note: this is a 'body count'

- The statistic to be published is the number of persons who were arrested / referred - *not* the number of incidents, or the number of charges placed.

Referred for campus disciplinary action

➡ "The referral of any */student/* (**person**) to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction."

➡ *preamble to the final rule* "We believe that campus judicial officials and campus police are capable of determining whether a particular alcohol, drug, or weapons violation is a violation of law."

Required Policy Statements

★ Provide statements of policy (content optional) re:

✿ Preparation of the Annual Security Report

- Crime reporting policy, procedures & responses
- Access to campus facilities & residence halls
- Security considerations used in maintenance
- Enforcement & arrest authority of campus cops
- Working relationship with State & local police
- Encouragement of prompt reporting of crimes

✿ Where to report to enable timely warnings
(*and availability of voluntary confidential reporting*)

Voluntary confidential reporting & reporting to counselors

- ★ If there is a policy or procedure that allows victims or witnesses to make voluntary, confidential crime reports for inclusion in the annual crime stats, it must be described.
- ★ If pastoral or professional counselors inform their clients of the opportunity to make voluntary, confidential crime reports, that must also be addressed.

Timely Notice Requirement

- ★ The school shall, in a manner (to be determined by the school) that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are:
 - listed in the Act,
 - reported to ***campus security authorities as identified by the school*** or to local police, and
 - considered to represent a threat to others.
- ✓ Advice: Keep a file of any 'alerts' issued.

Daily Log Requirement

- ★ Record (*by date reported*) all crimes reported to the campus police or security department
 - ① the nature of the crime
 - ② the date, time & general location
 - ③ the disposition of the complaint (if known)
- ★ Entries or updates within 2 business days
 - may be withheld if jeopardy exists, but only to extent / so long as / damage is likely to occur
- ★ Electronic format is OK, if accessible on site
- Requirement went into effect on Oct. 1, '98

Access to the Daily Log

★ "The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours... any portion of the log older than 60 days must be available within 2 business days of a request for public inspection."

👉 "**Business Day** = Mon. - Fri. unless closed"

Records Retention Period

- ★ This requirement is outlined in Section 668.24 of the *Student Assistance General Provisions*. All supporting records, including daily logs, must be kept for 3 years following the publication of the **last** annual campus security report to which they apply.
 - This may result in a Clery Act records retention period of nearly **7 years** after the date of an incident.